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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,994	09/01/2000	Koichiro Maemura	2271/62975	6805
	7590	07/15/2005	EXAMINER PARK, CHAN S	
Richard F Jaworski Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/653,994	<b>Applicant(s)</b> MAEMURA, KOICHIRO	
	<b>Examiner</b> CHAN S. PARK	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/25/05 has been entered.

### ***Response to Amendment***

2. Applicant's amendment was received on 4/25/05, and has been entered and made of record. Currently, **claims 1-43** are pending.

### ***Response to Arguments***

3. Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive.

Since the arguments filed on 4/25/05 is same as the arguments filed on 3/25/05 and no new argument has been raised, Examiner maintains and repeats the Response to Argument presented in the Advisory Action dated 4/12/05.

In response to applicant's argument regarding the rejection of **claim 1**, wherein on pages 26-27, the applicant explains how the current invention differs from the teachings of Shaffer. Particularly, the applicant states that the current invention has, for

example, a device which (1) rejects messages from a communication partner not registered in a receipt-allowed communication partner registration table, and (2) includes a receipt rejecting communication control medium. The applicant further states that "waste of (for example, from printing of wanted facsimile messages and/or from printing of receipt rejection reports for respective rejected facsimile messages) can be minimized." The examiner respectfully disagrees. Shaffer, as understood by the examiner, is directed a facsimile system for filtering unwanted facsimile data or accepting only the wanted facsimile data by referring to and comparing with the transmitting station identifier previously stored/registered in a memory 116 (col. 4, lines 28-30 and col. 5, lines 30-36). For example, when the received station identifier of the transmitting facsimile does not match an identifier on a list of "acceptable" senders, the transmission is received and stored without being printed or viewed by the user (col. 2, lines 41-50). Thus, the waste of paper is minimized according to the teaching of Shaffer. As previously cited in the Office action dated 12/29/04, only the station identifier, not the whole message, is received and printed/displayed by the printer/display 620 when it does not match (col. 4, lines 55-65). Thus, the receipt of message by the user, either via the printer or the display, is apparently is blocked/rejected by the device. Although the applicant seems to indicate that the rejecting receipt of message directly corresponds to not storing the message by the memory, this difference is not apparent in the current claim wording.

Further, as previously cited in the Office action 12/29/04, the combination of Shaffer and Oba discloses a device for generating a facsimile communication history list including the information regarding the rejected messages.

Independent claims 2-4, 17-20, and 39-42 are rejected for at least similar reasons.

Therefore, the rejection of independent claims 1-4, 17-20, and 39-42 are maintained.

4. Furthermore, referring to fig. 1 of Shaffer, the reference clearly discloses a facsimile device which rejects messages from a communication partner not registered in a receipt-allowed communication partner registration table (S108 and S112) by checking the station identifier of the sender. By combining with the teaching of Oba, it would have been obvious to one of ordinary skill in the art to create transmission history list based on the transmission results. The suggestion/motivation for doing so would have been to notify the user of the transmission/reception results including the information relating to the rejected messages.

5. Moreover, Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kida et al. U.S. Patent No. 5,293,253 (hereinafter Kida).

6. With respect to claim 17, Kida discloses a facsimile device provided with a receipt-rejected function of rejecting message receipt from a communication partner other than communication partners previously registered in a receipt-allowed communication partner registering table (Abstract & col. 3, lines 61-68),

said facsimile device provided with a receipt-rejecting function comprising (fig. 11 & col. 10, lines 12-19):

a receipt-rejected communication control medium collecting the communication control information in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table, and storing said collected communication control information in a receipt-rejected communication control information storage medium (col. 10, lines 20-35);

a communication control list creating medium creating a list of image information on the basis of the communication control information stored in said receipt-rejected communication control information storage medium (fig. 11); and

a list outputting medium visibly outputting said list of image information created by said communication control list creating medium (fig. 11).

It should be noted that the receipt-rejected communication control information storage medium is an inherent feature since either a temporary or permanent memory is required for the both printing and display.

7. With respect to claim 18, Kida teaches a method of controlling a facsimile device provided with a receipt-rejected function of rejecting message receipt from a communication partner other than a communication partner previously registered in a receipt-allowed communication partner registering table (Abstract & col. 3, lines 61-68),

said method of controlling the facsimile device provided with a receipt-rejecting function comprising the steps of (fig. 11 & col. 10, lines 12-19):

collecting communication control information in connection with the communication relating to message arrival from a communication partner not registered in said receipt-allowed communication partner registering table (col. 10, lines 20-35);

storing said collected communication control information in a receipt-rejected communication control information storage medium (col. 10, lines 20-35);

creating a list of image information on the basis of the communication control information stored in said receipt-rejected communication control information storage medium (fig. 11); and

visibly outputting said created list of image information (fig. 11).

It should be noted that the receipt-rejected communication control information storage medium is an inherent feature since either a temporary or permanent memory is required for the both printing and display.

8. With respect to claim 19, Kida discloses a facsimile device provided with a receipt-rejected function of rejecting message receipt from communication partner other than a communication partner previously registered in a receipt-allowed communication partner registering table (Abstract & col. 3, lines 61-68),

wherein said facsimile device provided with a receipt-rejecting function comprising:

a normal communication control medium collecting communication control information in connection with the communication relating to a message receipt from the communication partner registered in a transmission-allowed communication partner registering table or in said receipt-allowed communication partner registering table and storing said collected communication control information in said normal communication control information storage medium (fig. 11).

With respect to the rest of claim 19, arguments analogous to those presented for claims 17 and 18, are applicable.

9. With respect to claim 20, arguments analogous to those presented for claims 17-19, are applicable.

10. With respect to claim 21, Kida discloses the facsimile device provided with a receipt-rejecting function as defined in claim 17,



wherein the communication control information collected by said receipt-rejected communication control medium and stored in said receipt-rejected communication control information storing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes a communication partner identifying information (fig. 12).

11. With respect to claim 22, arguments analogous to those presented for claim 21, are applicable.

12. With respect to claim 23, arguments analogous to those presented for claim 21, are applicable.

13. With respect to claim 24, arguments analogous to those presented for claim 21, are applicable.

14. With respect to claim 25, Kida teaches the method of controlling the facsimile device provided with a receipt-rejecting function as defined in claim 18,

wherein the communication control information memorized in said receipt-rejected communication control information storing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes a communication partner identifying information (fig. 12).

15. With respect to claim 26, arguments analogous to those presented for claims 21 and 25, are applicable.

16. With respect to claim 27, Kida discloses the facsimile device provided with a receipt-rejecting functions as defined in claim 17,

wherein said facsimile device further comprises a time counting medium for counting the present date and time; and

wherein the communication control information collected by said receipt-rejected communication control medium and storing in said receipt-rejected communication control information memorizing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes the date-and-time information read out from said time counting medium at the time of the message arrival (fig. 12).

Since it prints out the date and time of the transmission, it is inherent that the device has a clock for counting the present date and time.

17. With respect to claim 28, arguments analogous to those presented for claim 27, are applicable.

18. With respect to claim 29, arguments analogous to those presented for claim 27, are applicable.

19. With respect to claim 30, arguments analogous to those presented for claim 27, are applicable.

20. With respect to claim 31, arguments analogous to those presented for claim 27, are applicable.

21. With respect to claim 32, arguments analogous to those presented for claim 27, are applicable.

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22. With respect to claim 33, arguments analogous to those presented for claim 27, are applicable.

23. With respect to claim 34, arguments analogous to those presented for claim 27, are applicable.

24. With respect to claims 35-38, arguments analogous to those presented for claim 27, are applicable.

25. With respect to claim 39, arguments analogous to those presented for claim 17, are applicable.

26. With respect to claim 40, arguments analogous to those presented for claim 20, are applicable.

27. With respect to claim 41, arguments analogous to those presented for claim 18, are applicable.

28. With respect to claim 42, arguments analogous to those presented for claim 19, are applicable.

29. With respect to claim 1, arguments analogous to those presented for claim 17, are applicable.

30. With respect to claim 2, arguments analogous to those presented for claim 18, are applicable.

31. With respect to claim 3, arguments analogous to those presented for claim 19, are applicable.

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32. With respect to claim 4, arguments analogous to those presented for claim 20, are applicable.

33. With respect to claims 5-16, arguments analogous to those presented for claim 27, are applicable.

34. With respect to claim 43, arguments analogous to those presented for claim 17, are applicable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. U.S. Patent No. 6,239,881 (hereinafter Shaffer) in view of Oba et al. U.S. Patent No. 6,072,599 (hereinafter Oba).

35. With respect to claim 17, Shaffer discloses a facsimile device provided with a receipt-rejected function of rejecting message receipt from communication partner other than a communication partner previously registered in a receipt-allowed communication partner registering table (list of "acceptable" station identifiers in col. 4, lines 45-54), wherein said facsimile device provided with a receipt-rejecting function including,

a receipt-rejected communication control medium collecting (receiving station identifier at steps 404 and 406) the communication control information in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table (received identifier at steps 406 & 408), and storing said collected communication control information in a receipt-rejected communication control information storage medium (step 412 in fig. 4) and viewing the rejected station identifier (step 414 in col. 4, line 59).

Shaffer does not disclose expressly a function of creating a list of image information on the basis of the communication control information stored in said receipt-rejected communication control storage medium and a function of outputting the list of image information created by the communication control list creating medium.

Oba, however, discloses a function of collecting and storing a communication control information in an error and/or status communication information storage medium (communication history memory 41), a function of creating a list of image information on the basis of the communication control information storage medium, and a function of outputting the list of image information created by the communication control list creating medium (col. 16, lines 20-43 & fig. 20).

Shaffer and Oba are analogous art because they are from the same field of endeavor that is the facsimile art.

Since Shaffer discloses the method of storing the rejected station identifier in a memory (steps 408 & 412), at the time of the invention, it would have been obvious to person of ordinary skill in the art to combine the method of filtering unwanted facsimile

data taught by Shaffer with the method of creating the list of receiving/transmitting history report stored in a memory taught by Oba to generate and to print the list of the rejected/blocked facsimile transmission.

The motivation/suggestion for doing so would have been to create a history list of all rejected/blocked senders who have attempted to send a facsimile data. Additionally, the combined invention would have provided an option to review the history list and make a correction if a particular sender is mistakenly blocked/rejected previously.

Therefore, it would have been obvious to combine Shaffer with Oba to obtain the invention as specified in claim 17.

36. With respect to claim 18, Shaffer discloses a method of controlling a facsimile device provided with a receipt-rejected function of rejecting message receipt from a communication partner other than a communication partner previously registered in a receipt-allowed communication partner registering table (list of "acceptable" station identifiers in col. 4, lines 45-54),

wherein said method of controlling the facsimile device provided with a receipt-rejecting function comprising the steps of:

collecting communication control information (receiving station identifier at steps 404 and 406) in connection with the communication relating to message arrival from a communication partner not registered in said receipt-allowed communication partner registering table (received identifier at steps 406 & 408); and

storing said collected communication control information in a receipt-rejected communication control information storage medium (step 412 in fig. 4) and viewing the rejected station identifier (step 414 in col. 4, line 59).

Shaffer does not disclose expressly the steps of:

creating a list of image information on the basis of the communication control information;

creating the list of image information on the basis of the communication control information stored in said receipt-rejected communication control information storage medium; and

visibly outputting said created list of image information.

Oba, however, discloses steps of collecting and storing a communication control information in an error and/or status communication information storage medium (communication history memory 41), creating a list of image information on the basis of the communication control information storage medium, and visibly outputting the list of image information created by the communication control list creating medium (col. 16, lines 20-43 & fig. 20).

Shaffer and Oba are analogous art because they are from the same field of endeavor that is the facsimile art.

Since Shaffer discloses the method of storing the rejected station identifier in a memory (steps 408 & 412), at the time of the invention, it would have been obvious to person of ordinary skill in the art to combine the method of filtering unwanted facsimile data taught by Shaffer with the method of creating the list of receiving/transmitting

history report stored in a memory taught by Oba to generate and to print the list of the rejected/blocked facsimile transmission.

The motivation/suggestion for doing so would have been to create a history list of all rejected/blocked senders who have attempted to send a facsimile data. Additionally, the combined invention would have provided an option to review the history list and make a correction if a particular sender is mistakenly blocked/rejected previously.

Therefore, it would have been obvious to combine Shaffer with Oba to obtain the invention as specified in claim 18.

37. With respect to claim 19, Shaffer discloses a facsimile device provided with a receipt-rejected function of rejecting message receipt from communication partner other than a communication partner previously registered in a receipt-allowed communication partner registering table (list of "acceptable" station identifiers in col. 4, lines 45-54),

wherein said facsimile device provided with a receipt-rejecting function comprising:

a normal communication control medium collecting communication control information in connection with the communication relating to a message receipt from the communication partner registered in a transmission-allowed communication partner registering table or in said receipt-allowed communication partner registering table and storing said collected communication control information in said normal communication control information storage medium (col. 3, lines 38-41 & col. 4, lines 45-50).

With respect to the rest of claim 19, arguments analogous to those presented for claims 17 and 18, are applicable.



38. With respect to claim 20, arguments analogous to those presented for claims 17-19, are applicable.

39. With respect to claim 21, Shaffer discloses the facsimile device provided with a receipt-rejecting function as defined in claim 17, wherein the communication control information collected by said receipt-rejected communication control medium and stored in said receipt-rejected communication control information storing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes a communication partner identifying information (station identifier in col. 4, line 59). Also, see fig. 20 of Oba.

40. With respect to claim 22, arguments analogous to those presented for claim 21, are applicable.

41. With respect to claim 23, arguments analogous to those presented for claim 21, are applicable.

42. With respect to claim 24, arguments analogous to those presented for claim 21, are applicable.

43. With respect to claim 25, Shaffer discloses the method of controlling the facsimile device provided with a receipt-rejecting function as defined in claim 18, wherein the communication control information memorized in said receipt-rejected communication control information storing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed

communication partner registering table includes a communication partner identifying information (station identifier in col. 4, line 59). Also, see fig. 20 of Oba.

44. With respect to claim 26, arguments analogous to those presented for claims 21 and 25, are applicable.

45. With respect to claim 27, Oba discloses the facsimile device further comprising a time counting medium for counting the present date and time; and

wherein the communication control information collected by said receipt-rejected communication control medium and storing in said receipt-rejected communication control information memorizing medium (communication history memory 41 in fig. 4) in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes the date-and-time information read out from said time counting medium at the time of the message arrival (col. 17, lines 15-21 & fig. 20).

Since it prints out the date and time of the transmission, it is inherent that the device has a clock for counting the present date and time.

46. With respect to claim 28, arguments analogous to those presented for claim 27, are applicable.

47. With respect to claim 29, arguments analogous to those presented for claim 27, are applicable.

48. With respect to claim 30, arguments analogous to those presented for claim 27, are applicable.

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49. With respect to claim 31, arguments analogous to those presented for claim 27, are applicable.

50. With respect to claim 32, arguments analogous to those presented for claim 27, are applicable.

51. With respect to claim 33, arguments analogous to those presented for claim 27, are applicable.

52. With respect to claim 34, arguments analogous to those presented for claim 27, are applicable.

53. With respect to claims 35-38, arguments analogous to those presented for claim 27, are applicable.

54. With respect to claim 39, arguments analogous to those presented for claim 17, are applicable.

55. With respect to claim 40, arguments analogous to those presented for claim 20, are applicable.

56. With respect to claim 41, arguments analogous to those presented for claim 18, are applicable.

57. With respect to claim 42, arguments analogous to those presented for claim 19, are applicable.

58. With respect to claim 1, arguments analogous to those presented for claim 17, are applicable.

59. With respect to claim 2, arguments analogous to those presented for claim 18, are applicable.

60. With respect to claim 3, arguments analogous to those presented for claim 19, are applicable.

61. With respect to claim 4, arguments analogous to those presented for claim 20, are applicable.

62. With respect to claims 5-16, arguments analogous to those presented for claim 27, are applicable.

63. With respect to claim 43, arguments analogous to those presented for claim 17, are applicable.

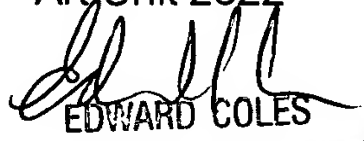
### ***Conclusion***

64. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
June 27, 2005

Chan S. Park  
Examiner  
Art Unit 2622  
  
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